

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR BIOLOGICAL DIVERSITY,
SURFRIDER FOUNDATION, AND PACIFIC
ENVIRONMENT,

No. C 12-01920 WHA

Plaintiffs,

v.

**ORDER RE SCHEDULE FOR
FURTHER PROCEEDINGS**

LISA JACKSON, in her official capacity as
Administrator of the United States Environmental
Protection Agency; the ENVIRONMENTAL
PROTECTION AGENCY; ROBERT J. PAPP,
in his official capacity as Commander of the
United States Coast Guard; and the UNITED
STATES COAST GUARD,

Defendants.


In this action brought under Section 7(a)(2) of the Endangered Species Act, the parties have requested and received two continuances. Pursuant to the Court's order dated January 8, 2013 (Dkt. No. 40), the parties have submitted a joint proposed schedule for further proceedings. The schedule, however, includes a further month delay. Accordingly, the following schedule shall apply:

1. On or before **FEBRUARY 25, 2013**, the parties shall file a status report indicating whether they are in agreement that the administrative record is complete or whether any party intends to file a motion regarding the completeness of the record or the need for extra-record materials. If the parties are in agreement that the record is complete, briefing on cross-motions for summary judgment shall proceed as follows:

- 1 • Within **28 DAYS** of the filing of the status report described above, Plaintiffs will file a
- 2 motion for summary judgment pursuant to Civil L.R. 7-2 and Fed. R. Civ. P. 56.
- 3 • Defendants will serve and file any opposition and counter-motion within **28 DAYS** of
- 4 service of Plaintiffs' motion.
- 5 • Plaintiffs will serve and file their combined opposition and reply within **14 DAYS** after
- 6 service of Defendants' opposition and counter-motion. Defendants shall file their reply
- 7 (not to exceed ten pages) with **14 DAYS** of service of Plaintiffs' combined opposition and
- 8 reply.
- 9 2. If the parties are unable to reach agreement regarding the sufficiency of the
- 10 administrative record, any motion(s) regarding the completeness of the administrative
- 11 record or the need for extra-record materials shall be filed **WITHIN 14 DAYS** after the
- 12 filing of the status report required under paragraph 1 above. If any motions are filed
- 13 regarding the administrative record(s), the parties shall submit, within **7 DAYS** after the
- 14 Court's ruling on the motions, a proposed briefing schedule for cross-motions for
- 15 summary judgment.
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18 **IT IS SO ORDERED.**

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20 Dated: February 11, 2013.



21 WILLIAM ALSUP

22 UNITED STATES DISTRICT JUDGE
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